

MATTER OF BOCRIS
In Visa Petition Proceedings
NYC-N-29669

Decided by Regional Commissioner June 26, 1970

An alien beneficiary who, immediately preceding the filing of the visa petition, has been employed for more than one year abroad as an executive of the petitioner's French affiliate, and whose transfer to the United States is being sought for employment as an executive on a temporary basis, is eligible for classification as a nonimmigrant intra-company transferee under section 101(a)(15)(L) of the Immigration and Nationality Act, as amended, notwithstanding he is the beneficiary of an approved sixth preference visa petition.

ON BEHALF OF PETITIONER: Elmer Fried, Esquire
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This matter is before the Regional Commissioner on appeal from the denial of the petition to classify the beneficiary as a nonimmigrant intra-company transferee under section 101(a)(15)(L) of the Immigration and Nationality Act, as amended. Although oral argument was requested in this case, in view of the decision which follows, the grant of such privilege will not be necessary.

The petitioning firm, which is engaged in worldwide marketing and manufacture of consumer and industrial products, seeks to transfer the beneficiary to its New York office to assume the position of Manager of Marketing for Far Eastern Operations. In such capacity, he will be responsible for the profitable operation of the concern's marketing organizations in approximately ten foreign countries. The petition reflects that the position is permanent and pays \$385 per 35-hour-week. The alien is a 41-year-old native and citizen of France who presently resides in that country. He has been employed by the petitioner's affiliate concern in France since October 1, 1951 and is currently the Regional Marketing Manager for the company's Industrial Products Group. He is the beneficiary of an approved visa petition filed by the petitioning concern on February 18, 1970 to accord him preference